

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 26892 of 2004(B)

OS.452/2002 of I ADDL.SUB COURT,ERNAKULAM
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PETITIONER:

DR.VARGHESE MUNDACKAL, S/O.JOSEPH,
AGED 63 YEARS, MUNDACKAL HOUSE,
KOTHAMANGALAM.

BY ADV. DR.VARGHESE MUNDACKAL

RESPONDENTS:

1. CANARA BANK, BRANCH BANERJI ROAD,
ERNAKULAM.
2. M/S.GARTS IND TEX (P) LTD.,
ABHILASH BUILDINGS, ST.BENEDICT ROAD,
KOCHI-682018, REPRESENTED BY ITS
MANAGING DIRECTOR, BABY SRAMBICKAL, SON OF
LATE S.P.ANTONY, ELAMKUNNAPUZHA VILLAGE,
KOCHI TALUK.
3. M.C.SAJUMON, 43/1340, ABHILASH
BUILDING, ST.BENEDICT ROAD,
ERNAKULAM.
4. BABY SRAMBICKAL, SRAMBICKAL HOUSE,
ELAMKUNNAPUZHA VILLAGE, KOCHI TALUK.
5. M.X.FRANCIS, AGED 60, ADVOCATE
AND NOTARY, HIGH COURT OF KERALA AT
ERNAKULAM.
6. SANTHOSH ANTONY, AGED ABOUT 30,
S/O.ANTONY, MUNDACKAL HOUSE, PATNALLOOR,
KOTHAMANGALAM VILLAGE, KOTHAMANGALAM.

WPC : 26892 OF 2004

7. CANARA BANK, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR,
HEAD OFFICE, BANGALORE.

BY ADV. SRI.SANIL KUMAR
SRI.C.T.BALAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/06/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE FORGED POWER OF ATTORNEY EXECUTED ON 17.10.97 BY THE RESPONDENT.

EXT.P2 : TRUE COPY OF THE RELEVANT PAGAGES OF THE PASSPORT OF THE PETITIONER EVIDENCING THAT HE WAS ABROAD AT THE TIME OF EXECUTION OF THE FORGED power OF ATTORNEY.

EXT.P3 : TRUE COPY OF THE STATEMENT GIVEN TO THE PETITIONER BY THE NOTARY PUBLIC WHO NOTORISED THE FORGED POWER OF ATTORNEY.

EXT.P4 : TRUE COPY OF THE STATEMENT GIVEN TO C.I. OF POLICE, BY THE NOTARY PUBLIC WHO NOTORISED THE FORGED POWER OF ATTORNEY.

EXT.P5 : TRUE COPIES OF THE PLAINT IN OS NO.1568 OF 2003 PENDING BEFORE HON'BLE IIND ADDITIONAL MUNSIF'S COURT, ERNAKULAM FILED BY THE PETITIONER.

EXT.P6 : TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS IN OS NO.1568 OF 2003.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 26892 OF 2004

Dated this the 8th day of June, 2007

JUDGMENT

This writ petition is remaining defective for want of service of notice on the respondents. The main prayer in the writ petition is a direction to the District Court, Ernakulam to dispose of the application for transfer which is filed by the petitioner seeking transfer of OS No.1568 of 2003 pending before the Munsiff's Court, Ernakulam over the First Additional Sub Court, Ernakulam so as to enable joint trial with OS No.252 of 2002 pending before the Sub Court, Ernakulam. Though while admitting this Writ Petition stay was granted for two weeks, it is seen that stay was not extended thereafter. In all probability the transfer petition would have been disposed of by the learned District Judge by this time. The Writ Petition will stand disposed directing the learned District Judge to dispose of TOP No.214 of 2004 at the earliest if the same is not yet disposed of.

PIUS C. KURIAKOSE, JUDGE

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